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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,801	03/23/2004	Jesse A. Branch III	X.9454	9952

7590 03/20/2006

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Washington, DC 20016

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/805,801	<b>Applicant(s)</b> BRANCH, JESSE A.	
	<b>Examiner</b> Gay Ann Spahn	<b>Art Unit</b> 3673	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 06 March 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



**PATRICIA L. ENGLE  
PRIMARY EXAMINER**

Art Unit 3673

3-14-06

Continued From Box No. 10 on page 1:

With respect to Box No. 1 above, the examiner notes that much of the information on page 1 of the brief should be inside the brief under the appropriate heading. For instance, on page 2 of the brief under the heading "Related Appeals and Interferences", the second paragraph should be under the heading status of claims.

With respect to Box No. 2 above, the examiner notes that the paragraph under the heading "Status of the Claims" is not clear since it appears to be presenting an outline of the prosecution rather than a status of all claims including rejected claims, objected to claims, and canceled claims.

With respect to Box No. 3 above, the examiner notes that Appellant should have a heading "Status of Amendments After Final Rejection" and a statement as to status of any After Final Amendments.

With respect to Box No. 4 above, the examiner notes that Appellant must discuss the subject matter of independent claim 6 and must refer to the parts of the specification and drawing figures which provide support for that subject matter.

With respect to Box No. 7 above, the examiner notes that Appellant must have an Appendix at the end of the brief entitled "Claims Appendix" listing claims 1-5 with the status identifier of "canceled" thereafter and must list the appropriate claim language for each of appealed claims 6-10.

With respect to Box No. 8 above, the examiner notes that Appellant must have a page after the Claims Appendix entitled "Evidence Appendix" and then the word "None", if appropriate.

With respect to Box No. 9 above, the examiner notes that Appellant must have a page after the "Evidence Appendix" entitled "Related Appeals and Interferences Appendix" and then the word "None", if appropriate